TRI-COUNTY COLLEGE STUDY COMMITTEE

REPORT OF THE COMMITTEE ON LEGAL BASIS AND ORGANIZATION

Submitted April 25, 1956

Midland, Michigan

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The purpose of the study by the Committee on Legal Basis and Organization was to review the present laws of the State of Michigan relative to community or junior colleges to determine whether or not the same are suitable for the establishment and operation of a college in the tri-county area. In the study, the laws of other states, such as New York, Texas, and California, were reviewed as an aid to determining whether or not the present laws in this state are adequate.

Present legislation covers the establishment of three different types of community colleges:

I. COMMUNITY COLLEGES ORGANIZED BY ONE SCHOOL DISTRICT

The present statutes of the State of Michigan (Michigan Statutes Annotated, Sec. 15.3791 - 15.3794) authorize the establishment of a community college by any first, second, or third class school district having a population of more than 10,000 persons. This is the statute under which the Bay City Junior College is operated and appears to be adequate.

II. COMMUNITY COLLEGES ESTABLISHED BY TWO OR MORE SCHOOL DISTRICTS

The above statute also provides that the Boards of Education of two or more school districts may join in the establishment

of a community college. This act would apply if the school districts of the Cities of Bay City, Midland, and Saginaw were to join to establish a community college. Our review of this act indicates that many omissions are made in the act, and an operation of a community college thereunder would be difficult. A Board of Education is only given such power as is specifically conferred by law. This statute would have to be amended to set forth specifically each and every power necessary to maintain a permanent community college, including the power to the respective Boards of Education of the school districts to delegate to a board of control of a community college the power to govern the college.

III. COMMUNITY COLLEGES ESTABLISHED BY ONE OR MORE COUNTIES

The third type of community college considered is the type which has been recommended by the Objectives Committee, that is, a community college district consisting of the Counties of Bay, Midland, and Saginaw. This would be county-wide in scope, and, further, in conformance with the recommendations of the Objectives Committee, would have a Board of Trustees elected at large by the qualified voters of the three counties.

Act Number 188 of the Public Acts of 1955 (Michigan Statutes Annotated, Sec. 15.615 (11) - 15.615 (21)) provides for the creation of a community college district composed of one or more contiguous counties, and this appears to be generally the type of organization fitting the above recommendations. In the main, this Committee feels that this act would be adequate to meet

the needs of such a college and has spent most of its time in analyzing and reviewing this act. As a result of this study, the Committee has concluded that certain amendments to the act should be made in order to make it fit more perfectly the needs of the tri-county area.

In considering possible amendments to this act, your Committee has kept in mind that there is one college now operating under this act, namely, Northwestern Michigan College, at Traverse City, and in making any amendments it is necessary that they would not affect and require a change in the operation of that college unless desired by that college. With this in mind, your Committee has suggested that the proposed amendments to this act would be with the proviso that they apply only to community college districts that have a population in excess of 200,000 persons according to the last Federal census.

The Committee on Legal Basis and Organization feels that certain amendments should be made to Act 188 of the Public Acts of 1955, and that, if these amendments are made, this act would be adequate to cover a proposed tri-county community college for the Counties of Bay, Midland, and Saginaw. These amendments are as follows:

1. Board of Trustees:

The present act provides for the selection of a Board of Trustees as follows:

One representative from each county, selected by each County Board of Education	3
One selected by the Boards of Education of all of the fourth class school districts in the area	1

Four selected by the Boards of Education of all of the first, second, and third class school districts in the area	4
Three selected at large by the above members	3
Total Board of Trustees	11

The Committee feels that the Board of Trustees should be independent of and not subsidiary to any other group. It should be directly responsible to the general electors of the three counties. This was the recommendation of the Committee on Objectives with which this Committee agrees, and, therefore, we suggest that the Board of Trustees be selected as follows:

A. The community college district shall be directed and governed by a Board of Trustees consisting of six or more members. Each member shall possess the qualifications of general electors within the community college district and be elected on a non-partisan basis as follows:

1. If the community college district consists of one county, six members shall be elected by the electors of the county at large.

2. If the community college district consists of two or more counties, three members shall be elected from each such county by the electors of each county at large.

B. The first election to the Board of Trustees shall be held concurrently with the election at which the vote on the establishment of the community college district shall be held.

C. The members of the Board of Trustees shall serve for a period of six years and without compensation. Provision should be made that the terms of the members of the Board of Trustees shall be staggered so that one-third are elected every two years at the State spring election.

D. Provision should be made for nominations, preparation of ballots, election, and certification of election.

E. Vacancies on the Board of Trustees shall be filled by the Board of Trustees until the next election with an elector of the county where the vacancy exists.

F. The Board of Trustees shall appoint an advisory committee, which shall consist of representatives from among the school systems maintaining high schools in the community college district.

2. Presiding Officer of the Board of Trustees:

The present act provides that the presiding officer of the Board of Trustees shall be called the "President".

It is felt that the term "President" is generally applied to the chief administrative officer of the college,

and, therefore, the presiding officer of the Board of Trustees should be called the "Chairman of the Board" and that the chief administrative officer of the college should be called "President".

3. Power to Levy Taxes:

The above act provides that the Trustees may levy for the purposes of the community college district a tax of not more than one mill. This is an allocation by the legislature and is not subject to change by the local county tax allocation boards. This is the only provision covering operating expenses and capital outlay.

The Committee feels that this section does not meet the needs of the three counties involved for the following reasons:

(a) This provision for one mill is within the fifteen mill limitation and the ultimate effect would probably be the taking of one mill from the present school districts operating in the three counties. It is felt that provision should be made to finance the community college outside of the fifteen mill tax limitation. The Finance Committee has also recommended the same. It should be noted that under the Michigan Constitution financing outside the fifteen mill limitation can be voted for a maximum of twenty years at a time.

(b) Under the present act it is not possible to

exceed the one mill either for operating purposes or to finance a building program. The Attorney General of the State of Michigan has ruled that a community college district under this act does not have the right to submit to the electors of the area the question of increasing the millage over and above the fifteen mill tax limitation for capital outlay. The basis of this ruling is that the community college district is not a separate taxing unit.

The Committee, therefore, recommends the following amendments to this act in relation to the power to levy taxes:

A. That the act be amended to establish the district as a separate taxing unit so that the electors of the district could vote to increase the millage over and above the fifteen mill tax limitation for the purposes of the college.

B. That the act be amended to provide that the Board of Trustees may levy one-half mill upon each dollar of the State equalized value of the property in the counties comprising the community college district, which would be subject to and be within the fifteen mill tax limitation and would be an allocation by the State legislature of this millage so that it could not be inter-

fered with by the local county tax allocation boards. A further proviso should be added that in the event that the Board of Trustees should submit to the electors the question of increasing the millage above the fifteen mill tax limitation and if approved, such increase would be in lieu of the one-half mill above provided.

It would be impossible both to operate and to build a community college on a half mill, and the Board of Trustees would have to obtain the approval for an increase in millage, which, under the above recommendation, would require that the whole operating and capital outlay would be financed above the fifteen mill tax limitation. This conforms with the recommendation of the Finance Committee. It should be noted that under present constitutional limitations a vote to exceed the fifteen mill limitation can be operative only over a maximum of a twenty-year period. If a new vote is not taken and carried at the end of such period the college would then have to operate on the half-mill allocated by the statute. We do not consider this an unreasonable risk.

4. Establishment of Community College District:

Under the present act, if the three counties of Bay, Midland, and Saginaw voted on the establishment of a community college district, a district would be created

if the voters in one or more of the counties approved the establishment of the district and would consist of the county or counties which voted in the affirmative.

The Committee feels that the will of the people would be better carried out if the establishment of a proposed community college district would require an affirmative vote in each of the three counties. In the event that such an issue failed to carry in one or more of the counties, the county or counties approving the formation could re-submit the question for a district that would be composed of an area not including the counties that did not approve.

Therefore, the Committee recommends that the act be amended to provide that where the proposed community college district consists of more than one county, an affirmative vote in each of the counties of the proposed community college district be required before the establishment of such a district.

5. Annexation to Community College District:

The act does not provide for authority for a county to vote to join or to annex itself to an existing community college district unless such county initially voted unfavorably upon the original project.

In line with the recommendation of the Objectives Committee and in the opinion of this Committee, the act should be amended to provide that another county or counties may join or annex to an existing community college district upon the approval of the Board of Trustees of the community college district, and the

affirmative vote of the electors of such county or counties.

COMMENTS REGARDING A FOUR-YEAR COLLEGE

With respect to establishment of a four-year college in this area, there is no statute at the present time which would afford a basis for the establishment of such a college. It would require a new act or an amendment to the present act. In this connection, it should be noted as set forth in the Finance Committee report that there is provision for State aid to two-year community colleges but no provision for State aid to four-year locally controlled colleges. We do not recommend amending the present act at this time to cover a four-year college, as we doubt whether such an amendment would now meet with a favorable reception in Lansing. We believe it would have a better chance in a few years after the college has been operating and is ready to expand into a four-year college.

CONCLUDING RECOMMENDATION

The Committee on Legal Basis and Organization recommends that at the conclusion of the study by the Committee of 300, if the final report of the Committee of 300 is in favor of a Tri-County College, a Legislative Committee be appointed and given the task of (1) preparing the specific amendments necessary to effectuate the changes in Act 188, Public Acts of 1955, recommended in this report, (2) discussing them with representatives of Northwestern Michigan College, (3) with the cooperation of State Senators and Representatives from the three counties, having the amendments introduced into the legislature, (4) attending

legislative hearings on the amendments, and (5) urging members of the legislature to vote for them.

Respectfully submitted,

COMMITTEE ON LEGAL BASIS AND ORGANIZATION

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